

April 6, 2009

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re The Commission's Consultative Role in the Broadband Provisions of The
Recovery Act, GN Docket No. 09-40**

Dear Ms. Dortch:

On April 3, 2009, I, in my capacity as a board member of Flow Mobile, represented Flow Mobile at a meeting with the following FCC representatives regarding the above proceeding: Ian Dillner, WCB; Katie King, WCB; Kevin Holmes, WTB; Paul Malmud, WTB; and Michael C. Smith, WTB. Robert Schill of e-Copernicus, a registered lobbyist, was also in attendance. In this meeting, I discussed general Recovery Act policy issues and did not discuss particular projects, applications, or applicants for funding. The presentation generally followed the attached Power Point.

I emphasized the goals of the Recovery Act were: to create jobs; to facilitate new network and new infrastructure deployment; and to prioritize unmet needs for consumers and key community services, including public safety, education, health care, job training, etc.

I explained that there should be two different minimum definitions of broadband for mobile and fixed services. The minimum for mobile broadband should be 3Mbps downstream, and for fixed the minimum should be a higher threshold. I further suggested for flexibility in applying these definitions based on market and geographic characteristics and for deference to States in determining minimum requirements.

The definition of unserved should be areas where the minimum data rate is not available and I reiterated that fixed and mobile be considered separately. The presence of one should not cancel out eligibility for an applicant providing the other service. I also encouraged that some deference to States be provided to determine unserved and underserved for eligibility purposes within a given State. Also, the definition of what constitutes an "unserved area" or "underserved area" should not affect the eligibility of a public safety related application or project. In other words, projects designed to serve public safety should be defined for eligibility purposes irrespective of definitions for residential broadband availability.

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Ms. Marlene H. Dortch

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregory L. Rohde". The signature is fluid and cursive, with the first name "Gregory" and last name "Rohde" clearly distinguishable.

Gregory L. Rohde
Member
Flow Mobile Board of Directors

CC: Ian Dillner
Katie King
Kevin Holmes
Paul Malmud
Michael C. Smith

Flow Mobile

FCC Ex Parte Meeting on ARRA
April 3, 2009

Flow Mobile

- Mobile 4G provider focused on rural areas
- Data, Video, and Voice services in mobile environment to residential and business in small towns
- State-wide mobile 4G service to public safety in rural states.

Goals

- Create jobs
- Facilitate new network and new infrastructure deployment
- Prioritize unmet needs for:
 - Consumers
 - Key Community Services – public safety, education, health care, job training, etc.

Definition of Broadband

- Set 2 different minimum definitions:
 - Mobile broadband – 3 Mbs downstream
 - Fixed broadband – Higher threshold
- Flexibility in applying definition based on market and geographic characteristics
- Deference to States to determine minimum requirements

Definition of Unserved

- “Unserved” = areas where minimum data rate is not available
- Fixed and Mobile considered separately:
 - Fixed and Mobile broadband is not duplicative
 - No eligibility cancelation
- Deference to States to determine unserved for eligibility purposes
- Unserved as applied to public safety should not be tied to residential broadband availability

Definition of Underserved

- “Underserved” = areas where the minimum data rate is not substantially available
- Fixed and Mobile considered separately:
 - Fixed and Mobile broadband is not duplicative
 - No eligibility cancelation
- Deference to States to determine underserved for eligibility purposes
- Underserved as applied to public safety should not be tied to residential broadband availability